

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

AEVIN MUCKE.

Plaintiff,

V.

NANCY A. BERRYHILL, Acting
Commissioner of the Social Security
Administration.

Defendant.

CASE NO. 2:17-CV-00256-JRC

**ORDER ON STIPULATED
MOTION FOR ATTORNEY FEES**

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local

Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 5; Consent to Proceed Before a United States Magistrate Judge, Dkt. 6)

This matter is before the Court on plaintiff's Stipulated Motion for Attorney Fees (see Dkt. 16).

Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, (“EAJA”), the Stipulation of the parties (*see* Dkt. 16), attorney declaration and time and expense itemizations (Dkt. 16, Attachments 2, 3), and the relevant record, it is hereby ORDERED that EAJA attorney’s fees of

1 \$3,572.95, shall be awarded to plaintiff pursuant to the EAJA and consistent with *Astrue v.*

2 *Ratliff*, 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at ***6-***7 (2010).

3 The Acting Commissioner shall contact the Department of Treasury after the Order for
4 EAJA fees is entered to determine if the EAJA fees are subject to any offset. If it is determined
5 that plaintiff's EAJA fees are not subject to any offset allowed pursuant to the Department of the
6 Treasury's Offset Program, then the check for EAJA fees shall be made payable to Victoria B.
7 Chhagan, Esq., based on plaintiff's assignment of these amounts to plaintiff's attorney (*see*
8 Plaintiff's Declaration Regarding Net Worth and Federal Court Retainer Agreement, Dkt. 16,
9 Attachments 4, 5). If there is an offset, the remainder shall be made payable to plaintiff, based
10 on the practice of the Department of the Treasury (*see, e.g.*, Case No. 2:15-cv-122, Dkt. 22, p. 4).
11 Any check for EAJA fees shall be mailed to plaintiff's counsel, Victoria B. Chhagan, Esq., at
12 Douglas, Drachler, McKee & Gilbrough, 1904 Third Avenue, Seattle WA 98101.

13 Dated this 16th day of January, 2018.

14 
15 _____

16 J. Richard Creatura
United States Magistrate Judge
17
18
19
20
21
22
23
24